# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

LOCAL UNION NO. 124 I.B.E.W. PENSION TRUST FUND, a Trust Fund,	
Plaintiffs,	
v.	) Case No: 4:18-cv-00221-BCW
LAN-TEL COMMUNICATIONS SERVICES, INC.,	<u>'</u>
and	
LAN-TEL COMMUNICATIONS SERVICES, INC. d/b/a UNIVERSAL SECURITY GROUP	
Defendants.	) )

## AFFIDAVIT OF SCOTT NIEMEYER

- I, Scott Niemeyer, being duly sworn, do hereby state as follows:
- 1. I am of legal age and of sound mind and body and otherwise capable of making this affidavit.
- 2. The facts set forth below are based on my personal knowledge and are true to the best of my information, knowledge, and belief.
  - 3. I am the Vice President of Lan-Tel Communications Services, Inc.
- 4. In such capacity, I oversee and manage the operations of Lan-Tel Communications Services, Inc. In that capacity, I have access to and can review employee rosters and other related information. I was also one of the main points of contact for Eric Roby, our prior attorney and former Registered Agent.
- 5. Our prior attorney, Eric Roby, never informed me or any other individual or officer of Lan-Tel of Requests for Admissions or any other discovery requests in this matter. In fact, prior to learning there was a mediation in November of 2018 to meet with the Plaintiffs to discuss a possible resolution, we were unaware that the above-referenced lawsuit had even been filed. And, after that meeting did not result in a resolution, I was believed Mr. Roby was waiting on additional information from Plaintiffs to further discuss a resolution. The next I heard of this matter was after we received a garnishment on Lan-Tel's bank account. I later learned that Mr. Roby had apparently expressed to counsel for the Plaintiffs that he expected Lan-Tel to sign a settlement

EXHIBIT

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ENSE & JESTER, P.G.

agreement. However, no settlement agreement was discussed or presented to Lan-Tel for consideration by Mr. Roby.

- 6. After we obtained Ensz & Jester, P.C. to take over our representation, we learned of another case, Construction Industry Laborers Pension Fund, et al. v. Lan-Tel Communications Services, Inc. Case No. 4:19-cv-00276-FJG (W.D. Mo.), in which a summary judgment motion had been filed despite Lan-Tel never being informed of the existence of the lawsuit. There were also several state-court lawsuits where Mr. Roby was served as our Registered Agent, but which default judgment was entered because we were not made aware of the suits.
- 7. In the case of *Moritz v. Lan-Tel Communications Services, Inc.*, while Ms. Moritz had made a pursuit claim, Mr. Roby failed to inform us that the lawsuit had been filed. Thereafter, he apparently agreed to settle the case with the Plaintiff without any authority from Lan-Tel to do so. I first learned of the suit when we were served with a garnishment that I later learned included not only the amount Mr. Roby agreed to settle the case for, but a larger amount for the Plaintiff's attorney fees in having to enforce the settlement because it was never paid.
- 8. I have reviewed the personnel and employment files of Mr. Shepard and Lan-Tel does not have any information demonstrating that Mr. Shepard had a BICSI Certification during the time frame in CBAC's audit in this matter.
- 9. Sean McBee, William Lambert, and John Clark were project managers/estimators during the time period of CBAC's audit. As project managers, they did not perform tasks covered by the collective bargaining agreement for the International Brotherhood of Electrical Workers.
- 10. Attached to this Affidavit as Exhibit 1–A are copies of documents showing reimbursements to various employees. It is my understanding that CBAC included these amounts as "wages" paid to these individuals in its audit when, instead, they were reimbursements.
- Technologies to purchase Universal Technologies. During that time, Universal Technologies was having trouble making its payroll. Lan-Tel agreed to loan the funds so that Universal Technologies could meet its payroll and Lan-Tel paid Universal Technologies'employees directly due to University Technologies bank accounts being overdrawn and having funds witheld. This occurred in March and April 2017. However, these individuals were never Lan-Tel's employees. Lan-Tel decided not to proceed with the purchase of Universal Technologies but did decide to hire many of its employees as of May 2017 after Lan-Tel called the union hall for workers and the union hall sent previous Universal Technologies workers.
- 12. While I cannot recall every attempt or effort I made to obtain information from Mr. Roby about this and other litigation I knew about, I did inquire with him about the status of the files Lan-Tel had with him on multiple occasions.

# FURTHER AFFIANT SAYETH NAUGHT.

	Scott Niemeyer
STATE OF Missouri	
COUNTY OF Jackson	· I
Subscribed and sworn	to before me this 19 day of February , 2020.
	Monique Tearette Valland Notary Public
My Commission Expires: Ja	NOTARY SEAL SEAL SEAL SEAL SEAL SEAL SEAL SEAL

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53882	07/21/17	ANDREWA	ANDREW ANDRADE	-					
				26732 5/	16-5/22	796.00	0.00	052217as	05/23/17
				27278 5/	16-5/22	-796.00	0.00	052217 AS	05/23/17
3	Standard (	Check			Check Amount	0.00	0.00		
					Account Totals	0.00	0.00		

EXHIBIT

1-A



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54481	10/03/17	SCOTT MES	Scott Mergell						
				28953 re	im. DSX card readers	866.10	0.00	100317 SM	10/03/17
5	Standard (	Check			Check Amount	866.10	0.00		
54575	10/16/17	SCOTT MES	Scott Mergell						
				29207 As	Builts - 24 hours	865.44	0.00	101517 SM	10/16/17
5	Standard (	Check			Check Amount	865.44	0.00		
					Account Totals	1,731.54	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54181	08/25/17	ROBERTS	Robert Smith						
				28384 reim.		270.38	0.00	082417 RS	08/25/17
	Standard C	Check			Check Amount	270.38	0.00		
					Account Totals	270.38	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53555	06/08/17	MICHAELF	Michael Kemper						
				26998 Re	eimbursement	263.88	0.00	060217-mk	06/02/17
5	Standard (	Check			Check Amount	263.88	0.00		
					Account Totals	263.88	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53378	05/10/17	MICHAELF	Michael Kemper						
				26586 Re	eimbursement	243.66	0.00	051017-mkrei	05/10/17
	Standard (	Check			Check Amount	243.66	0.00		
					Account Totals	243.66	0.00		

Check

Date

Standard Check

Vendor

Number

53611 06/13/17 ERICPYLE Eric Pyle

Vendor Name

Chk/Pymt

Ref No

27108 reimbursement

Check Amount

**Account Totals** 

06/13/17

A/P Check Register



181.19

181.19

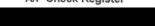
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Lan-Tel Communications, Inc.



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53341	05/03/17	ERICPYLE !	Eric Pyle						
				26505 RE	EIMBURSEMENT	120.00	0.00	050417-EPREI	05/04/17
5	Standard (	Check			Check Amount	120.00	0.00		
					Account Totals	120.00	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53738	07/05/17	DAMIENSI	Damian Siebenmorgen						
				27463 re	imbursement	327.09	0.00	070217 DS	07/02/17
				27464 rei	imbursement	365.81	0.00	062517 DS	06/25/17
				27465 rei	mbursement	2,041.50	0.00	070517 DS	07/05/17
5	Standard	Check			Check Amount	2,734.40	0.00		
53739	07/05/17	DAMIENSI	Damian Siebenmorgen						
				27466 pe	r diem 7/10/17-7/15/17	270.00	0.00 (	071517 DS	07/05/17
S	Standard (	Check			Check Amount	270.00	0.00		
53871 (	07/20/17	DAMIENSI	Damian Siebenmorgen						
				27607 rei	mbursement	86.60	0.00 0	71717 DS	07/17/17
S	Standard (	Check			Check Amount	86.60	0.00		
53948 (	7/28/17	DAMIENSI	Damian Siebenmorgen						
				27903 reir	mbursement - Home Dep	71.88	0.00 0	72517 DS	07/25/17
S	tandard (	Check			Check Amount	71.88	0.00		
53969 0	7/31/17	DAMIENSI D	amian Siebenmorgen						
				27929 reir	mbursement	82.83	0.00 0	73117 DS	07/31/17
s	tandard C	Check			Check Amount	82.83	0.00	wetwaii ii Thi	ನನ್ನು ಹಾಗು ಬಿಡಿ
					Account Totals	3,245.71	0.00		

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53610	06/13/17	DAMIENSI	Damian Siebenmorge	n					
				27105 rei	mbursement	2,421.02	0.00	053017 DS	06/13/17
				27106 rei	mbursement	170.58	0.00	060917 DS	06/13/17
5	Standard (	Check			Check Amount	2,591.60	0.00		
53680	06/19/17	DAMIENSI	Damian Siebenmorge	n					
				27230 reir	nbursement	2,858.42	0.00 (	061517 DS	06/15/17
S	Standard (	Check			Check Amount	2,858.42	0.00		
536820	06/21/17	DAMIENSI	Damian Siebenmorger	า					
				27271 rein	nbursement	618.92	0.00 0	62117 DS	06/21/17
S	Standard (	Check			Check Amount	618.92	0.00		
					Account Totals	6,068.94	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53372	05/09/17	DAMIENSI	Damian Siebenmorge	n		-			
				26579 R	eimbursement	122.38	0.00	050217-dsrei	05/02/17
8	Standard	Check			Check Amount	122.38	0.00		
53429 (	05/18/17	DAMIENSI	Damian Siebenmorger	ı					
				26648 Re	eimbursement	93.56	0.00 (	051717-dsrei	05/17/17
S	Standard (	Check			Check Amount	93.56	0.00		
53459 (	5/22/17	DAMIENSI [	Damian Siebenmorger	T.					
				26728 Re	eimbursement	2,930.00	0.00 0	)51917-dsrei	05/19/17
S	tandard (	Check			Check Amount	2,930.00	0.00		
					Account Totals	3,145.94	0.00		

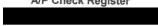
Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53798	07/07/17	MICHAELF	Michael Paque	****					
				27511 rei	mbursement	65.68	0.00	070217 MP	07/02/17
5	Standard (	Check			Check Amount	65.68	0.00		
53799	07/07/17	MICHAELF	Michael Paque						
				27521 reir	nbursement	162.92	0.00	062317 MP	06/23/17
5	Standard (	Check			Check Amount	162.92	0.00		
53874	07/20/17	MICHAELF	Michael Paque						
				27608 rein	nbursement	105.38	0.00 (	71717 MP	07/17/17
S	Standard C	Check			Check Amount	105.38	0.00		
53915 (	7/24/17	MICHAELF N	fichael Paque						
				27735 rein	nbursement - Home Dep	62.09	0.00 0	72017 - MP	07/20/17
S	Standard C	Check			Check Amount	62.09	0.00		
					Account Totals	396.07	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53612	06/13/17	MICHAELF	Michael Paque						
				27109 re	imbursement	56.33	0.00	061217 MP	06/13/17
5	Standard (	Check			Check Amount	56.33	0.00		
					Account Totals	56.33	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53412	05/15/17	MICHAELF	Michael Paque						
				26619 rei	imbursement	535.82	0.00	051517 - MP	05/15/17
5	Standard (	Check			Check Amount	535.82	0.00		
					Account Totals	535.82	0.00		



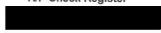
Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53983	08/03/17	JOHNCLA	John Clark						
				27961 rei	imbursement	220.81	0.00	080317 JC	08/03/17
5	Standard C	Check			Check Amount	220.81	0.00		
					Account Totals	220.81	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53873	07/20/17	JOHNCLA	John Clark				-		
				27606 re	imbursement	1,575.25	0.00	071217 JC	07/12/17
\$	Standard (	Check			Check Amount	1,575.25	0.00		
					Account Totals	1,575.25	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53683	06/22/17	JOHNCLA	John Clark						
				27273 Re	eimbursement	986.52	0.00	062217 JC	06/22/17
5	Standard C	Check			Check Amount	986.52	0.00		
					Account Totals	986.52	0.00		



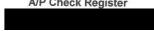
Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53455	05/22/17	JOHNCLA	John Clark						
				26710 Re	eimbursement	142.46	0.00	051917-jcrei	05/19/17
	Standard (	Check			Check Amount	142.46	0.00		
					Account Totals	142.46	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
56166	06/18/18	WILLY LAN	William S Lambert						
				32355 Ma	aterial Reimbursement/Tur	750.00	0.00	06182018	06/18/18
5	Standard (	Check			Check Amount	750.00	0.00		
					Account Totals	750.00	0.00		

Lan-Tel Communications, Inc.

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
55889	04/24/18	WILLY LAN	William S Lambert			***			
				31744 Pe	er Diem 4 nights 4/26-4/30	140.00	0.00	04262018 WL	04/24/18
	Standard (	Check			Check Amount	140.00	0.00		
56009	04/18/18	WILLY LAN	William S Lambert						
				31672 W	L04/18/2018	3,991.40	0.00 \	NL04/18/2018	04/18/18
\$	Standard (	Check			Check Amount	3,991.40	0.00		
					Account Totals	4,131.40	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54740	11/03/17	WILLY LAN	William S Lambert						_
				29435 pe	er diem	2,663.48	0.00	110317 WL	11/03/17
5	Standard	Check			Check Amount	2,663.48	0.00		
54772	11/07/17	WILLY LAN	William S Lambert						
				29543 re	im tolls	34.55	0.00	110717 WL	11/07/17
8	Standard (	Check			Check Amount	34.55	0.00		
					Account Totals	2,698.03	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54082	08/11/17	WILLY LAN	William S Lambert						
				28152		1,032.49	0.00	Q1 REIM	08/11/17
5	Standard (	Check			Check Amount	1,032.49	0.00		
54135	08/18/17	WILLY LAN	William S Lambert						
				28269 ecli	pse glasses	135.75	0.00	081817 WL	08/18/17
5	Standard (	Check			Check Amount	135.75	0.00		
					Account Totals	1,168.24	0.00		

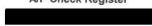
Lan-Tel Communications, Inc.

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53418	05/17/17	WILLY LAP	William S Lambert						
				26641 pe	r diem 1 night 5/16	25.00	0.00 (	)51617-wl	05/16/17
5	Standard (	Check			Check Amount	25.00	0.00		
53463 (	5/26/17	WILLY LAN	William S Lambert						
				26766 pe	r diem 5 nights 5/26-5/31	125.00	0.00 0	52617-wl	05/26/17
S	tandard (	Check			Check Amount	125.00	0.00		
53479 (	5/26/17	WILLY LAN	Villiam S Lambert						
				26818 4Q	16-MatReim	2,603.05	0.00 1	21516-wl	12/15/16
S	tandard (	Check			Check Amount	2,603.05	0.00		
					Account Totals	2,753.05	0.00		

Lan-Tel Communications, Inc.

	A/P	Check	Register	
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Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
52357	10/24/16	WILLY LAN	William S Lambert						
				24237 M	aterial Reimbursement	500.00	0.00	1016-Dept8	10/24/16
Standard Check			Check Amount		500.00	0.00			
					Account Totals	500.00	0.00		



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
51683	07/08/16	WILLY LAN	William S Lambert						
			22712 Reimbursement		500.00	0.00 070216-wlrei		07/02/16	
Standard Check				Check Amount	500.00	500.00 0.00			
					Account Totals	500.00	0.00		